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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,734	11/09/2001	Daniel Nelson	12722-00008	4001

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EXAMINER	
ALPHONSE, FRITZ	

ART UNIT	PAPER NUMBER
2133	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/047,734	NELSON, DANIEL	
	Examiner	Art Unit	
	Fritz Alphonse	2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 November 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☑ Claim(s) *1-68* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-68* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen (U.S. Pat. No. 5,764,763) in view of Micka (U.S. Pat. No. 5,592,618).

As to claims 1 and 59, Jensen (fig. 5) shows an apparatus for processing audience measurement data, said audience measurement data including a plurality of sequential data records (col. 10, lines 52-65), the apparatus includes a data input port (i.e., keys 96) for receiving said plurality of data records; and a processor (HOST 90) coupled to said data input port (96), said processor (90) being adapted to determine the magnitudes of said first and second intervals (col. 2, lines 25-42).

Jensen does not explicitly disclose a processor adapted to compare magnitudes of a first and second intervals to identify one or more of said time codes that are corrupted and to identify one or more of said time codes that are not corrupted, and wherein said processor is further adapted to calculate a corrected time code for each said time code that corrupted.

However, in the same field of endeavor, Micka discloses a processor including means for comparing magnitudes of first and second intervals to identify time codes that are corrupted and to identify one or more time codes that are not corrupted (see col. 5, lines 62 through col. 6 line 12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jensen with the teachings of Micka by including a processor to identify corrupted and non-corrupted time codes. Doing so would provide an improved design and method for validating selected data at a remote location while minimizing communications costs (col. 4, lines 60-65).

As to claims 2-5, Jensen discloses an apparatus, wherein said processor calculates said corrected time code by adding one of said first intervals to one of said time codes that are not corrupted; and, wherein said first intervals are between consecutive read times and said second intervals are between consecutive time codes (col. 9, lines 14-40).

As to claims 6-12, 49-54, Jensen discloses an apparatus, further comprising a memory (110) being adapted to store said data records (col. 13, lines 37-52); a communication device (fig. 3) being adapted to communicate data records, including said corrected time codes, to a central data collection facility. Jensen discloses an apparatus, further comprising a decoder (fig. 11), said decoder being adapted to extract said data records from said broadcast signal (col. 24, lines 47-50), a clock being adapted to generate read times (col. 13, lines 53-58) and a display device (monitor 100) for displaying the broadcast signal.

As to claims 13-19, 36-42, 55-58, method claims 13-19, 36-42, 55-58 correspond to apparatus claims 1 and 59; therefore, they are analyzed as previously discussed in claims 1 and 59 above.

As to claims 20-27, the claims have substantially the limitations of claims 2-12; therefore, they are analyzed as previously discussed in claims 2-12 above.

As to claim 28, Jensen (fig. 5) shows an apparatus for processing audience measurement data, said apparatus including means for receiving a plurality of time codes extracted from a broadcast signal (col. 2, lines 66 through col. 3 line 22); means for recording a plurality of read times (col. 7, lines 6-17); means for calculating a set of first intervals between said read times, wherein each first interval is calculated by determining a difference between two of said read times (col. 3, lines 24-34); means for calculating a set of second intervals between said time codes, wherein each second interval is calculated by determining a difference between two of said time codes (col. 3, lines 42-60).

Jensen does not explicitly disclose means for comparing each of first intervals to each of corresponding second intervals to determine whether one or more of said time codes are corrupted. However, the limitations are clearly disclosed by Micka (col. 5, lines 62 through col. 6 line 12). See the motivation for the same reason disclosed in claim 1 above.

As to claims 29-35, Jensen (fig. 15) discloses an apparatus, wherein said means for comparing said first intervals to said corresponding second intervals further comprises means for identifying a subset of said second intervals that are not approximately equal to said corresponding first intervals; wherein said first intervals are calculated by determining a difference between two of said read times that are consecutive and wherein said second intervals are calculated by determining a difference between two of said time codes that are consecutive (col. 30, lines 32-47).

As to claims 43 and 48, the claims differ from claim 1 by the additional limitation "said processor is further adapted to determine when said time codes and said corresponding read times are not time locked such that a third time code and a third read time included in a third data

record have not increased by an approximately equal amount relative to a fourth read time and a fourth time code included in a fourth data record, said third data record being received at said input port later than said fourth data record."

Jensen does not explicitly disclose a processor adapted to determine when said time codes and said corresponding read times are not time locked. However, the limitations are substantially disclosed by Micka (see figure 8).

As to claims 44-47, Jensen (fig. 3) discloses an apparatus including a processor (90) adapted to calculate one or more corrected time codes by adding one of said first intervals to one of said time codes.

As to claims 60-68, method claims 60-68 correspond to apparatus claims 2-12; therefore, they are analyzed as previously discussed in claims 2-12 above.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3824.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fritz Alphonse

Art Unit 2133

September 28, 2005

ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100